

115TH CONGRESS
1ST SESSION

H. R. 3783

To amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2017

Mr. COHEN (for himself, Mr. AL GREEN of Texas, Mr. LAWSON of Florida, Mr. CARSON of Indiana, Ms. ESHOO, Mr. RUSH, Mr. DANNY K. DAVIS of Illinois, Mr. BLUMENAUER, Ms. NORTON, Mr. CUMMINGS, Ms. WILSON of Florida, Mr. BUTTERFIELD, Mrs. NAPOLITANO, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. CLARK of Massachusetts, Mr. ELLISON, Ms. SÁNCHEZ, Ms. SLAUGHTER, Mr. VEASEY, Ms. FUDGE, Mr. DESAULNIER, Mr. POCAN, Mr. TAKANO, Ms. TSONGAS, Ms. VELÁZQUEZ, Mr. GRIJALVA, Mr. GONZALEZ of Texas, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Equal Employment
3 for All Act of 2017”.

4 **SEC. 2. USE OF CREDIT CHECKS PROHIBITED FOR EMPLOY-**
5 **MENT PURPOSES.**

6 Section 604 of the Fair Credit Reporting Act (15
7 U.S.C. 1681b) is amended—

8 (1) in subsection (a)(3)(B), by inserting “, sub-
9 ject to the requirements of subsection (b)” after
10 “purposes”; and

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by amending the paragraph head-
14 ing to read as follows: “USE OF CON-
15 SUMER REPORTS FOR EMPLOYMENT PUR-
16 POSES”;

17 (ii) in subparagraph (A), by redesign-
18 ating clauses (i) and (ii) as subclauses (I)
19 and (II), respectively, and by moving such
20 subclauses two ems to the right;

21 (iii) by redesignating subparagraphs
22 (A) and (B) as clauses (i) and (ii), respec-
23 tively, and by moving such clauses two ems
24 to the right;

1 (iv) by striking the period at the end
2 of clause (ii) (as so redesignated) and in-
3 serting “; and”;

4 (v) by striking “agency may furnish”
5 and inserting “agency—
6 “(A) may furnish”; and

7 (vi) by adding at the end the following
8 new subparagraph:

9 “(B) except as provided in paragraph (5),
10 may not furnish a consumer report with respect
11 to any consumer in which any information con-
12 tained in the report bears on the consumer’s
13 creditworthiness, credit standing, or credit ca-
14 pacity to an employer if the employer seeks to
15 use such information in a denial of employment
16 or any other decision made for employment pur-
17 poses.”; and

18 (B) by adding at the end the following new
19 paragraph:

20 “(5) REQUIREMENTS FOR CONSUMER REPORTS
21 BEARING ON THE CONSUMER’S CREDITWORTHINESS,
22 CREDIT STANDING, OR CREDIT CAPACITY.—

23 “(A) EXCEPTIONS.—An employer may use
24 a consumer report with respect to any con-
25 sumer in which any information contained in

1 the report bears on the consumer’s credit-
2 worthiness, credit standing, or credit capacity
3 in a decision made for employment purposes or
4 before taking an adverse action for employment
5 purposes only if the consumer authorizes the
6 procurement of the report as described in para-
7 graph (2)(A)(ii) and—

8 “(i) the consumer applies for, or cur-
9 rently holds, employment that requires the
10 consumer to be eligible for access to classi-
11 fied information; or

12 “(ii) when otherwise required by law.

13 “(B) LIMITATION.—A person who seeks to
14 obtain or use a consumer report with respect to
15 any consumer in which any information con-
16 tained in the report bears on the consumer’s
17 creditworthiness, credit standing, or credit ca-
18 pacity may not deny employment to the con-
19 sumer or make any other decision for employ-
20 ment purposes with respect to the consumer be-
21 cause the consumer has not authorized the pro-
22 curement of the report as described in para-
23 graph (2)(A)(ii).”.

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